

accompanying report of the Department of State.

ORDERS FOR THURSDAY,  
NOVEMBER 6, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 6. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for 60 minutes, with the first 30 minutes under the control of the minority leader or his designee, and the second 30 minutes under the control of Senator HUTCHISON or her designee; provided that following morning business, the Senate proceed to executive session and the consideration of Calendar No. 310, the nomination of William Pryor, to be U.S. circuit judge for the Eleventh Circuit, and that there then be 60 minutes equally divided for debate on the nomination prior to the vote on the motion to invoke cloture.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Thank you, Mr. President.

Let me just say, very briefly, we have been told that next Wednesday the majority leader is going to move to a period of time where the majority will come and talk for some 30 hours about how the judges that have been recommended by President Bush have been treated.

I would say, I cannot possibly imagine why in the world we would take the time of this body at such an important time in the history of this country. On this side of the aisle, we have bent over backwards to cooperate on appropriations bills. We have cajoled, begged members on our side not to offer controversial amendments. On any one of these appropriations bills, there can be all kinds of things offered. Maybe they would be deemed not appropriate procedurally, but certainly a debate could be had and they would have to be disposed of by a vote. But we wanted to work for what we thought was the betterment of this body and this country.

We agreed, without any reservation or hesitation, to be in next Monday and Tuesday, Tuesday being a legal holiday. And when we are told that the sacrifices made to move this matter along are going to, in effect, play second fiddle to two legislative days; that is, 30 hours talking about judges, keep in mind we have done a pretty remarkably good job on these judges.

We have approved 168 judges; we have turned down 4—168 to 4. We have the lowest vacancy rate of the Federal judiciary in some 15 years.

So I say—and not in any way as criticism other than constructive criticism—I cannot imagine how the majority would allow this to happen. We are aware of this. And as my friend, the distinguished Senator from Utah knows, we work very hard to try to make things as convenient for Members as possible. But, keep in mind, recognizing how we can work to make things easy on Members, we can also work to make things hard on Members.

If this is going to be done, there has to be some reasonable response to it. You cannot be slapped around forever. We believe in turning our cheeks, and we have done it. Our cheeks have been turned and both sides slapped and we still move forward. But I think this is the ultimate. I think we have taken about as much as we are going to take.

I say to everyone within the sound of my voice, this is not to threaten, but just to make people understand that there is going to have to be some appropriate action taken if this is going to happen. We have been told it is going to happen by the highest authorities on the majority side. We have asked that it not happen. We have been told it is going to happen. I think it is too bad for our Nation.

I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, tomorrow, following morning business, there will be 60 minutes for debate prior to the cloture vote on the Pryor nomination. If cloture is not invoked on the nomination, the Senate is expected to resume consideration of H.R. 2673, the Agriculture appropriations bill. It is hoped that we can finish that bill at an early hour during tomorrow's session, and therefore Senators should expect a very busy day tomorrow with rollcall votes occurring throughout.

ORDER FOR ADJOURNMENT

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SESSIONS.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

The Senator from Alabama.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I thank Senator BENNETT for his leadership today and the work he does. He is such an able part of this body. I will just say to Senator REID, the assistant Democratic leader, that something has happened here in this body that has never happened before.

Even though there are a majority of Senators prepared to vote and confirm a series of highly qualified nominees for the Federal bench, for the first time in the history of this Nation, the Democratic leadership—Senator DASCHLE and his team—have deliberately and systematically filibustered. That has never been done before on Federal judges. It should not be done. It is a complete change in the history of this body.

I believe that Senator FRIST is correct that we need to talk about these nominees, and we need to spend some time talking about them. We need to state what their records are, what their accomplishments are, why they are fine and decent men and women, and why they ought to be confirmed.

I hope the American people will listen because everywhere I go people tell me they are concerned about the courts. They believe judges are stepping outside of their bounds. They are legislating when they ought to be adjudicating. They are taking over schools, prisons, hospitals, and whatever else, and running them for years and years. And people question that.

President Bush has said: I am going to nominate judges who believe in the rule of law and who believe in doing the right thing, who do not legislate but adjudicate, who decide cases based on what the law says, not what they think is good politics.

Now we have these filibusters for the first time in history. I cannot imagine why Senator DASCHLE and his team would object to utilizing the legitimate, historic rules of this body, to talk all night, if need be, about why filibustering is unfair. They are not going to be out here anyway doing business. We are not doing anything in the middle of the night anyway.

To take a day of this session to talk it all the way through that day about the incredible, historical change in procedure that has occurred here is eminently justified. Why they would think they should, therefore, be offended is really amazing to me. There is just no basis for it. It is mock anger that they are going to now block legislation, which apparently was the intention all along.

We passed the CARE Act 90 to 5. We can't move the bill to conference because that bill is being filibustered under the leadership of Senator DASCHLE and the Democrats. We passed the Healthy Forests Act 80 to 14, an overwhelmingly bipartisan vote. That is being blocked, so it cannot be sent to conference. This is obstructionism again and again. I believe it is not harmful for the American people to have a glimpse of what is going on in this body.

When we saw what went on in the Intelligence Committee with the disclosure of this internal memorandum for the first time in history that I know of—the Intelligence Committee, which has always been organized and always been led to be a nonpartisan—not bipartisan, a nonpartisan entity dealing

with the most sensitive secrets this Nation deals with, wrestling with the idea of whether or not we have enough intelligence, do we have enough interpreters, do we have enough agents, do we have enough high-tech equipment to defend our country and to give our men and women in uniform the best information they have; that is what this committee has been about. Now we know that the minority Democratic staff were plotting and making plans to drag out the committee hearings, then turn on the chairman who has tried his best to be fair and open with them, and then attack him and attack the President next year during the election year. This is what we are seeing here to an unprecedented degree.

Let me talk now about Bill Pryor, the attorney general of the State of Alabama, who is nominated by the President for the Eleventh Circuit Court of Appeals. He represents the highest and best and finest qualities in lawyering in America today. I know Bill Pryor. I hired him as an assistant attorney general. I put him in charge of the most complex and important cases in my office. He was a partner in two of Birmingham's finest law firms, two of Alabama's finest law firms. He gave that up for public service. No more idealistic public servant exists in America today, a man of unquestioned integrity, unquestioned ability, a man who is willing to give up the high salaries he could make in any law firm in America and give his service to the people of America because that is the way he was raised.

His daddy was band director at the McGill-Toolen High School in Mobile, AL, a Catholic school. He was raised to do right. He believes in doing right. His family believes in doing right. His mother has taught in African-American schools voluntarily for most of her career as a schoolteacher. They have done the right things. They are the good people, people who always wanted to make America better, to reach a higher level of morality and decency and faithfulness. That is the way he is.

Bill Pryor attended Tulane University. I know the Presiding Officer knows Tulane is an excellent school, in the league with the Ivy League institutions. They think so at least. It is certainly a superb institution. He graduated magna cum laude. He was editor in chief of the Tulane Law Review. For those who understand law school, they know that the editor of the law review is the most respected graduate of the law class. Somebody might have higher grades, although few had higher grades than Bill Pryor. But if you are selected by your compatriots on the law review to be editor in chief, that is an additional indication of respect that even high grades don't have.

That is what he came from. He then clerked for Judge John Minor Wisdom on the Fifth Circuit Court of Appeals, the very type of position he will be undertaking. He was a law clerk sitting at the right hand of Judge John Minor

Wisdom on the old Fifth Circuit Court of Appeals. Judge Wisdom is known as a champion of civil rights. He was one of the giants on the Fifth Circuit who was faced with rendering the decrees that dismantled segregation throughout the South. That is Bill Pryor's background.

His father was a John F. Kennedy Democrat, Catholic Democrat, who believed in that and voted for President Kennedy years ago. So this is his background.

He was very successful in his clerkship with Judge Wisdom. Then he served as an attorney with two law firms in Birmingham, first rate firms. I called on him to join my office—the office of the State Attorney General—and he took over the most important cases in my office. And, lo and behold, 2 years later I find myself in the Senate. The Governor made a decision to appoint Bill Pryor as my successor. He was one of the youngest, if not the youngest, attorneys general in America at the time. He handled that office with courage, with brilliance, with commitment to the rule of law, and with enthusiasm and commitment to a degree matched by few.

In the course of it, he won tremendous respect throughout the State. He had case after case that were exceedingly difficult, tough cases, more than you would normally get, in which he was called on to make choices, make legal decisions in litigation that placed him at odds with his core supporters, friends of his, friends of mine.

For example, there was a redistricting in Alabama. In the State legislature, the Republicans hold not many offices, well below half. But five of the seven Congressmen are Republicans. The Governor is Republican. Both Senators are Republican. But the way they organized those districts—some would say gerrymandered the districts—it favored Democrats being elected. Republicans filed a lawsuit to attack it. Unfortunately, the lawsuit was legally improper and not sound.

Bill Pryor is attorney general of the State of Alabama. He has to speak for the State. This reapportionment plan, whether he liked it or not—I assume he didn't like it; I haven't liked it—he was empowered and required under the duty of an attorney general to defend the acts of the Alabama Legislature, the reapportionment plan they had, and defend it he did.

It made them mad. A lot of our Republican friends were mad at Bill Pryor. They said he ought to work with them, he ought to help them. This was several years ago. He said: My job is to defend the law. My job is to do what an attorney general should do. An attorney general should defend the duly enacted laws of the State of Alabama, including the laws they passed to redistrict the State, as long as they are defensible.

He lost in the court of appeals. The Eleventh Circuit Court of Appeals, which he would be joining, ruled

against him. But he didn't stop there. He knew he was correct. He appealed to the U.S. Supreme Court. The U.S. Supreme Court heard the case, ruled against the Republicans, ruled with Attorney General Pryor, and kept in place the reapportionment plan in that State.

I hear people say: Attorney General Pryor is an activist. He has political views. He is a conservative. He won't follow the law.

I am telling you, this man, as much as any man I have ever known in my life—and I have spent 20 years in the full-time practice of law and I know a lot of lawyers—is committed to the rule of law. He is committed to doing what is right. That is the way he was raised. That is the way he always does.

He has had many other difficult positions. Right this very minute, this very week, he has been drawn into the case of the Ten Commandments at the Supreme Court. Justice Roy Moore, chief justice of the Alabama Supreme Court, had a Ten Commandments plaque in his office as county judge. It was carved out of wood. And when he got elected to the supreme court, he was sort of known as the Ten Commandments judge. After that, he decided to put in a block of stone, not much bigger than these desks, and it had the Ten Commandments on the top.

Frankly, I am not offended by it. At least three replicas of the Ten Commandments are in the Supreme Court Building right across that street. Right up on that wall in the Senate Chamber are the words "In God We Trust." I don't see anything wrong with it, frankly. But Judge Moore had some very strong views about this. He had his own ideas about separation of church and state. He read all the papers of the Founding Fathers. He can quote from them at length. He thinks we are misinterpreting what the Founding Fathers thought about separation of church and state. He believes it deeply, and I respect him for it.

Attorney General Pryor says: I am sympathetic with you, Judge, and I support your opinion. But as attorney general, I write the briefs for the State and we will argue it my way.

Judge Moore said: No, I want you to argue it my way.

He is chief justice. But, basically, what happened was the attorney general said: You hire your lawyer, and you argue it the way you want to; I am the attorney general, and I represent the State, and I will make the best argument that I think is worthy of merit and that could protect the ability to preserve the Ten Commandments.

The story goes that the supreme court did not agree and the courts have not agreed. They have ordered the Ten Commandments block to be removed, and there has been quite a bit of stir about it. So what do you do?

Under Alabama law, the attorney general is required to, and has a duty to, argue cases brought by the Judicial Inquiry Commission. The Judicial Inquiry Commission met and returned

charges against the chief justice, saying he violated a court order to remove the Ten Commandments. The attorney general now is required to handle that case. There is no way he can get away from it. He is either going to violate his duty and obstruct the rule of law, or he is going to prosecute the case. So he is prosecuting the case. He is going forward.

I say this: Go back and look at the documents put out by People for the American Way in opposition to the confirmation of William Pryor, and some of these other trashy, sorry, dishonest documents that were put out there. They have accused Bill Pryor of being in cahoots with Judge Moore to upset the rule of law, to impose religious views on people because he has expressed his personal belief in God and his personal faith in public statements. So they have accused him of being a religious extremist and are trying to attack him on that basis.

Nothing could be further from the truth. It is just a false charge. As a matter of fact, when former Gov. Bob James—who was the Governor who appointed Bill Pryor—resisted the Federal court rulings that said teachers could not lead children in prayer, Governor James took the view that football coaches ought to be able to lead the boys in prayer. He didn't see anything wrong with that. He didn't think the Constitution prohibited that. Frankly, I don't think it does either. The Constitution says that Congress shall make no law respecting the establishment of a religion nor prohibiting the free exercise thereof. That is all it says.

Anyway, the courts say you cannot have a football coach lead the kids in prayer before the ball game. So it caused a big stir. Some schools thought they could and some didn't. Lawsuits were being filed. Attorney General Pryor researched the law of schools and prayer and wrote a letter to every school board in the State asserting leadership. He acted in a way that the Atlanta Journal Constitution even said helped to bring a cooling voice in a heated period. He told them what they could do and what they could not do. As it turns out, that opinion he wrote was very similar to the position the Clinton Department of Education took on these matters. He researched the law and decided what the law was, and he followed it. So it is a pretty high price that some people are trying to put on him, because it is not true.

Dr. Joe Reed is one of the most powerful political figures in the State of Alabama. Every Democratic Presidential candidate will know Dr. Reed. He is an important African-American leader in the State. When he speaks as chairman of the Alabama Democratic Conference, an arm of the Alabama Democratic Party, and endorses a candidate for President, or Governor, or Lieutenant Governor, he has tremendous weight. His opinions are followed closely. He is a member of the Demo-

cratic National Committee. Dr. Reed is a vice chairman of the teachers union in Alabama—another source of influence and power. He is a man who has always been interested in Federal courts. He has endorsed Attorney General Pryor, saying, "He is a first-class public official" who will "be a credit to the judiciary and a guardian of justice."

Some of the national civil rights groups have attacked Bill Pryor. They don't know him, don't know anything about him, and they have accused him of being a southerner who is conservative; they try to say he is anti civil rights. Joe Reed is a serious leader in this State, and has been for 30 years, and he endorses him.

Thurbert Baker, an African-American Democratic attorney general in Georgia, says that Attorney General Pryor "has always done what he thought was best for the people of Alabama" and "know[s] that his work on the bench will continue to serve as an example of how the public trust should be upheld."

Attorney General Baker strongly supports him.

Former Democratic Governor, Don Siegleman, stated:

Bill Pryor is an incredibly talented, intellectually honest attorney general. He calls them like he sees them. He's got a lot of courage, and he will stand up and fight when he believes he's right.

That is absolutely true. They are not political allies, but that is true.

State Representative Alvin Holmes, who is one of the most outspoken African-American leaders in the State senate, is very supportive of Bill Pryor. He told me he would come up here and speak for him and that he believes this very strongly. One of the stories he tells is that, under Alabama's constitution—and a number of States had this—was a provision that prohibited interracial marriage. Mr. Holmes opposed that. Attorney General Pryor was sworn in as attorney general of Alabama, and he made reference to that as being wrong. Of course, it is unconstitutional. Clearly, it is in violation of the Federal Constitution, and the courts, if they have not already declared it invalid, would do that at any time. But it was still in the document. It ought not to have been there.

Bill Pryor led the charge around the State to remove this improper language in the Alabama Constitution that said people of different races could not marry. Alvin Holmes said no other state wide elected politician stood with Bill Pryor.

Artur Davis, an African-American Congressman from Alabama, is a big supporter of Bill Pryor and also supports his confirmation.

Mr. President, we will talk about this more tomorrow. I know the chairman of the Judiciary Committee, Senator ORRIN HATCH, is extremely impressed with Attorney General Bill Pryor. He has seen him as a witness. He has met him personally. He told me after Attor-

ney General Pryor's confirmation hearing that Attorney General Pryor testified brilliantly. He was one of the best witnesses he had ever seen before the Judiciary Committee. They tried to give him a hard time and they never laid a glove on him.

He spoke carefully. He spoke pleasantly. He spoke with conviction and with great intelligence and legal acumen. It was a tremendous performance. They questioned him about his views on abortion because he doesn't believe in abortion. I know that is a big subject with some people. He believes abortion is taking of innocent human life, and when pressed on it, that is what he said. He said: Senator, I believe it is taking of innocent human life. The reason I criticize *Roe v. Wade* is because I believe it is unprincipled, and I also believe it has led to the death of millions of innocent unborn.

That is his view. That is the view of the Catholic Church, the largest Christian church in the world. It is the view of a lot of other churches and denominations, and a lot of people who don't go to church believe that is a life.

We have to get our heads straight in the confirmation process. We have to get our thinking clear in this process. It makes no difference what he may believe personally about abortion. The question is, if the United States passed a constitutional law that deals with abortion, will he follow it? If the Supreme Court of the United States makes a declaration of interpretation of the U.S. Constitution, will he follow it? Bill Pryor has proved he will.

With regard to abortion, which he feels deeply about, Bill Pryor wrote a number of years ago, before he was ever considered for a Federal judgeship, to the attorneys general in Alabama and told them the Supreme Court had rendered an opinion on partial-birth abortion and that a large part of it had been declared unconstitutional; that it could not be enforced by them and they should not bring legal actions under it.

Even though he deeply believes abortion is wrong and certainly even more strongly believes that partial-birth abortion is wrong, which is overwhelmingly the view of the American people, indeed overwhelmingly of this Senate because we passed a law declaring it unconstitutional, he told them they couldn't enforce it. They had to allow this procedure to go forward under certain terms. He was condemned by the pro-life movement of which he shares many friends and shares many beliefs.

What we have to do as a Senate throughout this confirmation process is not ask what a person's political beliefs are or their religious beliefs but whether or not they understand the law of America and whether or not they will enforce it. That is the key to it. If we get away from that, we are going to be in trouble.

Orthodox Jews have views I do not share and most Americans do not share. The Muslim faith has views I

may not share that is in the Koran. Other denominations and church groups throughout America have views I do not share and in which I do not believe. Are we going to get to the point of asking these questions and saying: I don't agree with you and your religion; I don't agree with how you interpret the Scripture; therefore, I am not going to vote for you. How ridiculous can that be? We will never get anybody confirmed.

We have to say to Mr. Pryor, as was asked of him: OK, Mr. Pryor, I respect how you believe this, but the Supreme Court has held otherwise, and I want to know whether or not you will follow that law. He has demonstrated time and again that he will follow the law. He believes in the rule of law. He will carry his duties on in a way that brings credit to the rule of law. The rule of law is the key cornerstone of American greatness, in my view.

Bill Pryor is a champion of the rule of law. We couldn't have a finer nominee. I am so distressed his record has been distorted. I am so distressed people have tried to make him out to be something he is not. It is not right to have a decent, kind, Christian gentleman who has done nothing throughout his life but try to serve his Lord and his country with distinction and integrity, to have these skunks come in here, as Senator HATCH calls them, the usual suspects, with their distorted interpretations of his career and try to paint him as something he is not is just wrong. We need to stop it.

It is wrong to have a filibuster, and it is wrong to distort a man's record—it is not correct—in a way that demeans him and undermines his true worth as a human being. He is first rate in every way.

I am confident he will make a great judge. I see my time has passed. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, before the Senator from Alabama leaves, may I ask him a question, and if it is appropriate to make a comment about his remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I listened very carefully to the Senator from Alabama, and I have been listening to the debate about the judges. I understand what some of our colleagues on the other side are saying is somehow Mr. PRYOR is, for some reason, not sensitive to civil rights, is an activist, is a person who is unwilling to put his own personal beliefs, political beliefs aside and enforce the law; is that what the charge is?

Mr. SESSIONS. That is part of it; that he is insensitive to civil rights.

Mr. ALEXANDER. As I was listening to the Senator from Alabama, and maybe he will correct me if I have this wrong, but we are talking about Alabama, this is not Brooklyn, NY, we are talking about; right? And we are talk-

ing about the attorney general of the State of Alabama.

If I understand it right, after he was appointed, he went out of his way to point out that to have the words banning an interracial marriage in the Alabama State Constitution was wrong; did I understand the Senator to say that?

Mr. SESSIONS. Absolutely. He said it was bad law, but more than that, he said it was morally wrong and not to be accepted any longer in our Constitution.

Mr. ALEXANDER. Then, Mr. President, I believe the Senator from Alabama talked about the situation going on there today where the chief judge is embroiled in a great controversy over whether the Ten Commandments have to be taken out of the courtroom. I ask the Senator from Alabama, Mr. President, what percent of Alabamians probably believe the chief judge is right about the Ten Commandments?

Mr. SESSIONS. Mr. President, I don't have the numbers for Alabama particularly, but I saw a USA Today poll that said 77 percent of the people in the United States believe it is all right to have the Ten Commandments in the building.

Mr. ALEXANDER. I am going to just guess, having lived a long time in a State that borders Alabama, that it is higher than that in Alabama. If I understood the Senator from Alabama correctly, here is the attorney general of Alabama, who may also agree with Judge Moore about the Ten Commandments, but he is endorsing the judicial proceedings against Judge Moore; is that what I heard the Senator say?

Mr. SESSIONS. That is correct.

Mr. ALEXANDER. Against the judge who wants to keep the Ten Commandments there.

I think I also heard the Senator from Alabama say there was a reapportionment case in the State of Alabama, and the Republican Party wanted the attorney general to work with them, since he was appointed by a Republican Governor and is a Republican, and that he wouldn't do that, and that he even lost the case in the appellate court and kept going. He finally defeated a law that was adverse to his party; did I understand that right, too?

Mr. SESSIONS. That is correct. I think he could have not appealed to the Supreme Court. The Supreme Court doesn't take a lot of these cases. He could have probably justified that and rationalized that, but if he believed that the existing Alabama reapportionment system was duly enacted and defensible, an attorney general of integrity would appeal to the Supreme Court, and he did so, to the detriment of the interest of his political party.

Mr. ALEXANDER. Just a couple of other questions, because I think the Senator from Alabama is making an important statement. I believe I heard him say that the attorney general of Alabama wrote a letter to every school district in Alabama, every super-

intendent and every school, telling them that the football coach could not lead a prayer before the football game, not because that was what he believed but because he researched the law and came to the conclusion that is what the law requires, and then he went ahead and suggested to the schools what they could do as well as what they could not do, and that his advice turned out to be almost exactly the same advice that President Clinton and former Secretary of Education Dick Riley advised schools all over America. Do I have that about right?

Mr. SESSIONS. That is correct.

Mr. ALEXANDER. Again, thoroughly unpopular. Alabama is interested in football and Alabama is interested in prayer, and for a public official to write every school and tell them they cannot pray before a football game is not an easy thing to do, even if the law does require it.

Then, on the issue of abortion, he is a Roman Catholic and he has a religious belief about it, but did I understand the Senator from Alabama to say that he told the legislature that he could not enforce a law they passed limiting abortion because it was unconstitutional?

Mr. SESSIONS. Well, very similar. What he actually did, I say to the Senator from Tennessee, is that as attorney general he has the authority to superintend all of the State district attorneys who enforce the law.

Mr. ALEXANDER. I see.

Mr. SESSIONS. There was an already-passed partial birth abortion ban in Alabama. The Supreme Court ruled that big chunks of that were not constitutional and could not be enforced, and Attorney General Pryor, even though he strongly thinks that abortion is not good policy, wrote those district attorneys throughout the State and told them they could not enforce the law.

Mr. ALEXANDER. So the point I am trying to make is, if I were to come before my colleagues today and we had no other—

Mr. SESSIONS. May I say one thing on that?

Mr. ALEXANDER. Of course.

Mr. SESSIONS. The pro-life groups in Alabama that supported Mr. Pryor criticized him for that letter, and the ACLU thanked him for it.

Mr. ALEXANDER. If we had never heard of this individual and someone came today and said he is attorney general of the State of Alabama, and he voluntarily scolded the State for still having interracial marriage words in the State constitution at a time when he really did not have to, who is enforcing the proceedings against a judge who has taken an overwhelmingly popular position about the Ten Commandments, who took to the Supreme Court a case that was adverse to the Republican Party of which he was a member, who advised the district attorneys they could not enforce a law about abortion that he personally disagreed with but he felt that the law required it, who wrote all of the schools

that they could not pray before a football game, where is someone going to find anybody who has more clearly proven that he or she is able to take personal positions and subjugate them to a willingness to enforce the law?

As I said earlier, this is not northern California or the Bronx we are talking about, even though those might be difficult positions in those States. He was taking positions that were contrary to virtually all of the people that he represented and against his own beliefs.

I am not sure the Senator from Alabama is even aware of this, but I was also a law clerk for Judge John Minor Wisdom of the Fifth Circuit Court of Appeals, as was Mr. Pryor. Judge Wisdom was one of the great judges of America. He was a part of the panel that ordered Ole Miss to admit James Meredith in 1962. He, along with Judge Elbert Tuttle of Atlanta, Richard Rives of Florida, and John R. Brown of Texas, presided over the peaceful desegregation of the South.

I want to be careful how I say this. I was technically not a law clerk. I was a messenger to Judge Wisdom in 1965 and 1966 because he already had one of the top graduates of Harvard, but he had a little money left for a messenger and he said he would treat me like a law clerk. So I am saying that so people will not think I am talking about myself.

All through the 1960s and 1970s and 1980s and 1990s, law graduates in America fought each other to be a law clerk for Judge Wisdom. I was lucky to be his messenger who was treated as a law clerk. He hired the best and the brightest. He was also a graduate of Tulane Law School. He would consider the editor in chief of the Tulane Law School to be one of the finest persons in America eligible for a law clerkship.

I can also guarantee that he would never have hired anyone as a law clerk who he did not think of as someone of the highest character, good intel-

ligence, capacity to be a good lawyer and committed to civil rights and to the rights of the individual.

So something is really amiss in our system of approving judges when someone of the academic character and personal integrity of Mr. Pryor, who clearly is one of the finest lawyers in the country, who has taken a position contrary to the position of most of the people of the State he represents because he believes in the law, how could he not be confirmed by the Senate? What is it that causes our friends on the other side to pick someone like that out and seek to destroy him or turn him down?

I congratulate the Senator from Alabama for his vigorous advocacy of such an outstanding person, and I hope very much when the vote comes he will be confirmed.

Mr. SESSIONS. I remain and have always been impressed with the Senator from Tennessee since the day he came to the Senate. I did not know he clerked for or worked for Judge Wisdom. He gave some real insight into the prestige of an appointment to clerk for a judge like Judge Wisdom of the court of appeals, a very competitive thing.

Bill Pryor is one of the best lawyers in America, and these charges from People for the American Way that he tried to undermine the separation of church and State, he had a majoritarian ideology—actually, he stood firm for minorities and against the majority in many cases, as we just mentioned. They call him an extreme ideologue, a crusader to push the law far to the right. Anybody who knows him and knows the circumstances under which he has operated knows the courage he has shown and knows that these charges are just bogus. It is not fair, and we are doing that too often here.

I thank the Senator from Tennessee for his fine comments. I believe Bill

Pryor is the most principled, committed lawyer I have known in this country. I know he would be a magnificent Federal judge, and we will make a big mistake if this body does not see fit to confirm him. He needs an up-or-down vote, and we will have that vote tomorrow to see if he gets an up-or-down vote. If he gets an up-or-down vote, he will be confirmed.

I yield the floor.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until Thursday, November 6, at 9:30 a.m.

Thereupon, the Senate, at 7:14 p.m., adjourned until Thursday, November 6, 2003, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate November 5, 2003:

##### DEPARTMENT OF HOMELAND SECURITY

JAMES M. LOY, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE GORDON ENGLAND, RESIGNED.

##### UNITED STATES INSTITUTE OF PEACE

LAURIE SUSAN FULTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2007, VICE HARRIET M. ZIMMERMAN, TERM EXPIRED.

##### THE JUDICIARY

PETER G. SHERIDAN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE STEPHEN M. ORLOFSKY, RESIGNED.

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE J. OWEN FORRESTER, RETIRING.

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#### CONFIRMATION

Executive nomination confirmed by the Senate November 5, 2003:

##### THE JUDICIARY

ROGER W. TITUS, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.